IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

THURSDAY, THE 4TH JANUARY 2007 / 14TH PAUSHA 1928

WP(C).No. 28931 of 2006(T)

PETITIONER:

SUSEELA GOPALAN, W/O.GOPALAN,
AGED 53 YEARS, MULAMATTATHIL HOUSE,
ELANGAVAM, VARAPETTY P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.K.J.KURIACHAN
SRI.BIJIMON C.CHERIAN
SMT.P.P.STELLA

RESPONDENTS:

1. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, KERALA STATE ELECTRICITY
BOARD, MUVATTUPUZHA.

2. RAJU.K.M., KANDAMPARAPUTHENPURAYIL
HOUSE, ELANGAVAM, VARAPETTY P.O.,
KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT.

3. THE ADDITIONAL DISTRICT MAGISTRATE,
COLLECTORATE, ERNAKULAM.

ADDL. 4. KARUNAKARAN, S/O.KANDAN KONTHY, KUNNUPURATH HOUSE,
NOW RESIDING AT OLIYAKKUDY HOUSE, KADUMPADI KARA,
ENANELLOOR VILLAGE, MUVATTUPUZHA TALUK, ERNAKULAM
DISTRICT.

(R4 IS IMPLEADED AS PER ORDER ON IA.NO.17451/2006 DATED 14/12/2006)

R2 BY ADV. SRI.PEEYUS A.KOTTAM
R1 BY SRI.JOSE J.MATHEIKEL, SC, KSEB
ADDL.R4 BY SMT.M.M.JASMIN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE COMPLAINT DATED 19/12/2005 FILED BY THE PETITIONER BEFORE THE IST RESPONDENT.

EXT.P2 OBJECTION DATED 19/06/2006 FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

EXT.P3 TRUE COPY OF ROUGH SKETCH AND PLAN SHOWING THE DISPUTED PROPERTIES.

EXT.P4 TRUE COPY OF THE PRIOR DOCUMENT 4999/1989 OF SRO KOTHAMANGALAM DATED 24/11/89.

EXT.P5 TRUE COPY OF THE ORDER DATED 13/10/2006 PASSED BY THE 3RD RESPONDENT.

RESPONDENTS' EXTS:

EXT.R1 (A) TRUE COPY OF ROUGH SKETCH.

P.R.RAMAN, J.

W.P.(C).NO.28931 OF 2007

Dated this the 4th day of January, 2007

JUDGMENT

Ext.P5 is the proceedings of the Additional District Magistrate, Ernakulam passed under Section 16(1) of the Indian Telegraph Act read with Section 51 of the Indian Electricity Act. As per the proceedings, the objection of the respondent therein, who is the petitioner herein (Smt.Suseela Gopalan) was over ruled and permission was given to the officials of the K.S.E. Board for drawing the electric line through the boundary of the canal. According to the petitioner, it actually passes through her property and therefore seriously prejudiced by drawing of the line as proposed and accepted in Ext.P5. After hearing the argument, the learned counsel for the petitioner submitted that if a line is drawn through the northern

boundary or southern boundary of Karunakaran's property, it will be viable and there may not be any objection from him. But since Karunakaran was not a party originally made in this writ petition, the petitioner sought to implead Karunakaran and that impleading petition was allowed by this Court. Accordingly, Karunakaran is impleaded as additional 4th respondent. An affidavit sworn in to by Karunakaran is produced by the petitioner. Learned counsel for the 4th respondent acknowledged the fact that such an affidavit has been filed by him. Now Karunakaran has no objection in drawing the line through his northern boundary or southern boundary of his property and there cannot be any further dispute regarding the drawing of the line. Parties have agreed to draw the line as suggested above.

In such circumstances, modifying Ext.P5 order following directions are issued:

The K.S.E. Board, for giving connection to the 2nd respondent, shall draw the line through the southern boundary or northern boundary of Karunakaran's property and in doing so if the line passes through the portion of the property of the petitioner also, she cannot have any objection to the same.

Writ Petition is disposed of as above.

P.R.RAMAN,
JUDGE.

kcv.